

No. _____

FILED
COURT OF CRIMINAL APPEALS
5/24/2018
DEANA WILLIAMSON, CLERK

**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

JAMES ALLAN BURG, II, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

ON DISCRETIONARY REVIEW
FROM THE NINTH COURT OF APPEALS
BEAUMONT, TEXAS – No. 09-16-00200-CR

ON APPEAL FROM THE COUNTY COURT AT LAW No. 1
MONTGOMERY COUNTY, TEXAS – CAUSE No. 15-307592

**APPELLANT’S MOTION TO EXTEND TIME TO FILE
PETITION FOR DISCRETIONARY REVIEW**

James Allan Burg, II, Appellant, pursuant to TEX. R. APP. P. 68.2(c),
submits this motion to extend time to file a petition for discretionary review.

I.

On May 26, 2016, Appellant was convicted of misdemeanor DWI. On
April 11, 2018, the Ninth Court of Appeals affirmed the trial court’s judgment
in a memorandum opinion. *Burg v. State*, No 09-16-00200-CR, 2018 Tex. App.

LEXIS 2531 (Tex. App.—Beaumont, April 11, 2017) (mem. op., not designated for publication). Appellant’s motion for rehearing was denied on April 30, 2018. Appellant’s petition for discretionary review is due on May 30, 2018. Appellant asks this Court to extend the deadline for filing this petition 30 days to June 29, 2018.

II.

In the last 30 days, undersigned counsel has worked on the following causes: *State v. Enriquez*, cause no. 2117110, in the County Criminal Court at Law No. 8, Harris County, Texas, set for jury trial on May 14, 2018, and *State v. Boudreaux*, No. 1519876, in the 177th District Court, Harris County, Texas, set for jury trial to begin on June 1, 2018. Counsel was also out of town attending a CLE from May 2-4, 2018.

III.

This Court has not previously granted an extension to file this petition. This motion is not made for delay, but to see that justice is done.

Respectfully submitted,

/s/ Matthew J. DeLuca
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CERTIFICATE OF SERVICE

I certify that a copy of this motion was served on the following party
through the efile.txcourts.gov e-filing system on May 23, 2018:

Bill Delmore
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/s/ Matthew J. DeLuca
Matthew J. DeLuca